



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

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October 17, 2007

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS/PROPONENT
(07183)

FROM:


KATHERINE MONTGOMERY
Elections Analyst

SUBJECT: **INITIATIVE #1284**

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**PRESIDENTIAL ELECTORS. CONDITIONAL IMPLEMENTATION OF
POLITICAL PARTY NOMINATION AND ELECTION
BY CONGRESSIONAL DISTRICT. STATUTE.**

The proponents of the above-named measure are:

Leo McElroy
Jim Rogers
George Schmidt
162 Lakeshore Court
Richmond, CA 94804

(510) 867-5725

PRESIDENTIAL ELECTORS. CONDITIONAL IMPLEMENTATION OF
POLITICAL PARTY NOMINATION AND ELECTION
BY CONGRESSIONAL DISTRICT. STATUTE.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 433,971
California Constitution, Article II, Section 8(b)
2. Official Summary Date: Wednesday, 10/17/07
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elec. Code § 336) Wednesday, 10/17/07
 - b. Last day Proponent can circulate and file with the county.
All sections are to be filed at the same time within each
county. (Elec. Codes §§ 336, 9030(a)). Monday, 03/17/08*
 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (Elec. Code § 9030(b)).....Thursday, 03/27/08

(If the Proponent files the petition with the county on a date prior to
03/17/08, the county has eight working days from the filing of the petition
to determine the total number of signatures affixed to the petition and to
transmit the total to the Secretary of State) (Elec. Code § 9030(b)).
 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures
and notifies the countiesSaturday, 04/05/08**
 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(Elec. Code § 9030(d)(e))Friday, 05/16/08

* Date adjusted for official deadline, which falls on a weekend (Elec. Code § 15).

**Date varies based on the date of county receipt.

INITIATIVE #1284

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 04/05/08, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elec. Code § 9030(d)(e)).

- f. If the signature count is more than 477,369 or less than 412,273 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 412,273 and 477,369 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures (Elec. Code §§ 9030(f)(g), 9031(a))Monday, 05/26/08*

- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (Elec. Code § 9031(b)(c)). Tuesday, 07/08/08

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 05/26/08, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elec. Code § 9031(b)(c).)

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (Elec. Code §§ 9031(d), 9033) Saturday, 07/12/08*

*Date varies based on the date of county receipt.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal.App.3d 825, 177 Cal.Rptr. 621; 63 Ops.Cal.Atty.Gen. 37 (1980).
- Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



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October 17, 2007

FILED
In the office of the Secretary of State
of the State of California

Debra Bowen
Secretary of State
1500 - 11th Street, 5th Floor
Sacramento, CA 95814

OCT 17 2007

Debra Bowen, Secretary of State
By 
Deputy Secretary of State

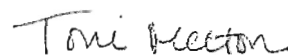
RE: Title and Summary for Initiative No. 07-0052
TITLE: PRESIDENTIAL ELECTORS. CONDITIONAL IMPLEMENTATION OF
POLITICAL PARTY NOMINATION AND ELECTION BY CONGRESSIONAL
DISTRICT. STATUTE.

Dear Ms. Bowen:

Pursuant to the provisions in sections 336 and 9004 of the Elections Code, enclosed please find a copy of the Title and Summary issued for Initiative Number 07-0052 and text of the proposed measure.

Should you have any questions regarding the above, please do not hesitate to contact me.

Sincerely,



TONI MELTON
Initiative Secretary

For EDMUND G. BROWN JR.
Attorney General

Enclosures

Proponents' public information:

Leo McElroy
Jim Rogers
George Schmidt
CURE (Californians United to Reform Elections)
162 Lakeshore Court
Richmond, CA 94804
Telephone: 510 867 5725

Date: October 17, 2007
Initiative No. 07-0052

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

PRESIDENTIAL ELECTORS. CONDITIONAL IMPLEMENTATION OF POLITICAL

PARTY NOMINATION AND ELECTION BY CONGRESSIONAL DISTRICT. STATUTE.

Requires California to select electors for president by the plurality vote in each congressional district only if a majority of the other states have adopted proportional voting prior to that presidential election. Provides for political party nomination of electors pledged to vote for that party's candidate. Independent electors to be chosen by independent presidential candidates and also elected by congressional district. Two at-large electors selected based on plurality of statewide vote for president. Eliminates \$10 compensation and 5¢ per mile reimbursement of electors. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: No significant net fiscal effect. (Initiative 07-0052.)

CURE
(Californians United to Reform Elections)
162 Lakeshore Court
Richmond, CA 94804
(510) 867-5725

August 26, 2007

Ms. Patricia Galvan
Initiative Coordinator
Office of the Attorney General
State of California
PO Box 994255
Sacramento, CA 94244-25550

RECEIVED

AUG 27 2007

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary for Proposed Initiative: The Proportional Representation in Presidential Elections Act

Dear Ms. Galvan:

Pursuant to Article II, Section 10(d) of the California Constitution, we are submitting the attached proposed statewide ballot measure to your office and request that you prepare a title and summary of the measure as provided by law.

CURE sponsored Proposition 105, passed by California's voters in 1988, which required meaningful disclosure on state initiatives ads of their contributors, along with other disclosures. CURE is an independent, non-partisan group (e.g. the signers of this letter are one Republican, one Democrat, one independent). We believe that our non-partisan approach, if passed in trend-setting California, can be the model to kick-start a broad based non-partisan national movement to adopt proportional representation in electing the President of the United States.

The Proportional Representation in Presidential Elections Act implements proportional voting in Presidential elections in California, once a majority of the other states have adopted proportional voting.

Other initiatives being proposed to address this topic have significant merits and flaws, and also both have the fatal flaw of being seen as purely partisan efforts, which will prevent them from being adopted on a wide-spread national basis.

Included with this submission is the required proponent affidavit signed by us pursuant to Section 9608 of the California Elections Code. We have also included a check to cover the \$200 filing fee. Our addresses as registered to vote are provided on Attachment 'A' to this letter.

Thank you for your time and attention to this important matter. If you require additional information or have any questions, please contact us.

Sincerely,


Leo McElroy


Jim Rogers


George Schmidt

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS THE PROPORTIONAL REPRESENTATION IN PRESIDENTIAL ELECTIONS ACT

Section 1. Findings and Declaration of Purposes

- (a) California, and most other states, are largely taken for granted by Presidential candidates because of their "winner-take-all" system of awarding their electoral votes. In recent elections, Presidential candidates have routinely visited and paid attention to a few states while ignoring huge sections of our country.
- (b) Our "winner-take-all" system of awarding electoral votes does not reflect the vast diversity of our state and the regional differences of our citizenry.
- (c) Further, a "winner-take-all" system impedes credible third party or independent candidacies for President.
- (d) Two states do not have a "winner-take-all" system of awarding electoral votes. Those states award their electoral votes to the candidate winning the popular vote in each of the state's congressional districts with two additional electoral votes being awarded to the candidate who wins the popular vote in the state.
- (e) If California eliminated its "winner-take-all" system of awarding its electoral votes, Presidential candidates would have an incentive to campaign in California and to address the unique problems faced by Californians. Many geographic areas of the State would be as important to a candidate's chance for victory as many of the smaller states.
- (f) By adopting proportional representation in California, once a majority of other states have adopted proportional representation, this Act avoids the fatal flaw of other proposals of being seen as purely partisan efforts, which will prevent them from being adopted on a widespread national basis. This Act's non-partisan approach, if adopted in trend-setting California, can kick-start a broad based, non-partisan national movement to adopt proportional representation in Presidential elections.
- (g) Therefore, the people, exercising their reserved legislative power guaranteed by Article II of the California Constitution, hereby enact the Proportional Representation In Presidential Elections Act.

Section 2. The Proportional Representation In Presidential Elections Act

(Text added is denoted in underline type. Text deleted is denoted in ~~strikeout type~~.)

Chapter 1 of Part 2 of Division 6 of the Elections Code (commencing with Section 6900) is amended to read:

- (a) 6900(a) The term "elector" or "presidential elector" as used in this chapter means an elector of President and Vice President of the United States, and not an elector as defined in Section 321.
- (b) A political party nominating a candidate for President of the United States and a candidate for Vice President of the United States shall submit to the Secretary of State a certified list of presidential elector nominees who have pledged to vote for the candidates of that political party

as follows:

(i) the number of presidential elector nominees shall be equal to the total number of presidential electors of the State pursuant to Section 1 of Article II of the United States Constitution;

(ii) one presidential elector nominee shall reside in each congressional district in the state and the remaining presidential elector nominees shall reside in the state;

(iii) the manner of choosing presidential elector nominees shall be established by each political party, but in the event a party has no rules for choosing nominees, the candidate for President shall choose the nominees pursuant to subdivision (b)(i) and (ii).

(c) A group of candidates for nomination as a presidential elector for an independent candidate for President of the United States and for Vice President of the United States pursuant to section 8303 shall also meet the requirements of subdivision (b)(i) and (ii).

Section 6901. Whenever a political party in accordance with ~~Section 7100, 7300, 7578, or 7843~~, submits to the Secretary of State its certified list of nominees for electors of President and Vice President of the United States, the Secretary of State shall notify each candidate for elector of his or her nomination by the party. The Secretary of State shall cause the names of the candidates for President and Vice President of the several political parties to be placed upon the ballot for the ensuing general election and any independent candidate pursuant to section 8304.

Section 6902(a) At the general election in each leap year, or at any other time as may be prescribed by the laws of the United States, there shall be chosen by the voters of the state as many electors of President and Vice President of the United States as the state is then entitled to.

(b) An elector shall be elected in each congressional district if the candidate to whom that elector has pledged to vote received a plurality of the popular vote cast in that congressional district.

(c) The remaining at-large electors not selected pursuant to Section 6902(b) shall be elected if the candidates to whom those electors have pledged to vote received a plurality of the popular vote cast in the state.

(d) Section 6902(b), and the separate congressional district residence requirement of Section 6900(b)(ii), shall only apply if a majority of the other states have adopted some form of proportional voting in the General Presidential election by July 20 of the Presidential election year. The Secretary of State shall survey the other states and determine whether, as of July 20, a majority of them have adopted a form of proportional voting for that year's Presidential election. If not, "winner-take-all" remains in place. "Proportional voting" can be based on a combination of "winner-take-all" and proportional voting (for instance, as is currently done in Maine and Nebraska), and it can be based on Congressional Districts, or on dividing up the Electoral College votes based on a percentage of the popular vote in that state.

Section 6903. On or before the day of meeting of the electors, the Governor shall deliver to the electors a list of the names of each electors elected pursuant to section 6902, and he or she shall perform any other duties relating to presidential electors which are required of him or her by the laws of the United States.

Section 6904. The electors elected pursuant to section 6902 ~~chosen~~ shall assemble at the State Capitol at 2 o'clock in the afternoon on the first Monday after the second Wednesday in

December next following their election.

Section 6905. In case of the death or absence of any elector chosen, or if the number of electors is deficient for any other reason, the electors then present shall elect, pursuant to subdivision (b) of section 6902 from the citizens of the state, as many persons as will supply the deficiency.

Section 6906. The electors, when convened, if both candidates are alive, shall vote by ballot for that person for President and that person for Vice President of the United States, who are, respectively, the candidates of the political party or independent candidate which they represent and have pledged to vote. one of whom, at least, is not an inhabitant of this state.

Section 6907. The electors shall name in their ballots the person voted for as President, and in separate ballots the person voted for as Vice President.

Section 6908. The electors shall make separate lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each cast pursuant to Section 6906, which lists they shall sign, certify, seal and transmit by mail to the seat of the Government of the United States, directed to the President of the Senate.

Section 6909. ~~Each presidential elector shall receive ten dollars (\$10) for his or her services, and mileage at the rate of five cents (\$0.05) per mile for each mile of travel from his or her domicile to the State Capitol and return.~~

~~Their accounts therefor shall be certified by the Secretary of State, and audited by the Controller, who shall draw his or her warrants for the same on the Treasurer, payable out of the General Fund.~~

Section 3. Severability

The provisions of this section are severable. If any provision in this section or its application is held invalid, that finding shall not affect other provisions or applications that can be given effect without the invalid provision or application.